



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.18471 of 2019

V.Selvam

...Petitioner

Vs.

1.The Director General of Police,
Tamil Nadu Police Department,
Mylapore, Chennai - 600 004.

2.The Commandant,
Tamil Nadu Special Police 9th Battalion,
Manimutharu, Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to fix the petitioner's seniority on par with batch mates recruited for the year 1999-2000 based on his representations dated 10.11.2018 and 10.04.2019 and in the light of the proceedings passed by 1st respondent in C.No.3362/Rect 1(2)/2016, dated 11.11.2016 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

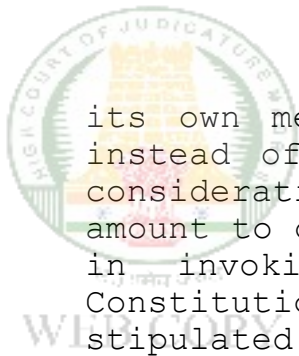
For Respondents: Mr.S.Dhayalan
Government Advocate

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Since the petitioner's request to the respondents to fix the petitioner's seniority on par with batch mates recruited for the year 1999-2000, in the light of the proceedings passed by 1st respondent in C.No.3362/Rect 1(2)/2016, dated 11.11.2016, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 10.04.2019, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on



its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 10.04.2019, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation dated 10.04.2019, on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1. The Director General of Police,
Tamil Nadu Police Department,
Mylapore, Chennai - 600 004.



2.The Commandant,
Tamil Nadu Special Police 9th Battalion,
Manimutharu, Tirunelveli,
Tirunelveli District.

+1 CC to SGP (SR-2623[F] dated 01/02/2021)

+1 CC to M/s.G.THALAI MUTHARASU, Advocate (SR-2523[F] dated
01/02/2021)

W.P. (MD) No.18471 of 2019

29.01.2021

NA (CO)

NR (10/02/2021) 3P : 5C